

By: Representatives Frierson, Janus

To: Education;  
Appropriations

HOUSE BILL NO. 1459

1 AN ACT TO AMEND SECTION 37-61-33, MISSISSIPPI CODE OF 1972,  
2 TO ESTABLISH A FINE FOR PERSONS VIOLATING RULES AND REGULATIONS  
3 ESTABLISHED BY THE STATE BOARD OF EDUCATION RELATING TO THE  
4 ADMINISTRATION OF CLASSROOM SUPPLY FUNDS; AND FOR RELATED  
5 PURPOSES.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

7 SECTION 1. Section 37-61-33, Mississippi Code of 1972, is  
8 amended as follows:

9 **[Until July 1, 2002, this section reads as follows:]**

10 37-61-33. (1) There is \* \* \* created within the State  
11 Treasury a special fund to be designated the "Education  
12 Enhancement Fund" into which shall be deposited all the revenues  
13 collected pursuant to Sections 27-65-75(8), 27-67-31(b) and  
14 27-103-203(1).

15 (2) Of the amount deposited into the Education Enhancement  
16 Fund, excluding revenues deposited pursuant to Section  
17 27-103-203(1), Sixteen Million Dollars (\$16,000,000.00) shall be  
18 appropriated each fiscal year to the State Department of Education  
19 to be distributed to all school districts. Such money shall be  
20 distributed to all school districts in the proportion that the  
21 average daily attendance of each school district bears to the  
22 average daily attendance of all school districts within the state  
23 for the following purposes:

24 (a) Purchasing, erecting, repairing, equipping,  
25 remodeling and enlarging school buildings and related facilities,  
26 including gymnasiums, auditoriums, lunchrooms, vocational training  
27 buildings, libraries, teachers' homes, school barns,  
28 transportation vehicles (which shall include new and used

29 transportation vehicles) and garages for transportation vehicles,  
30 and purchasing land therefor.

31 (b) Establishing and equipping school athletic fields  
32 and necessary facilities connected therewith, and purchasing land  
33 therefor.

34 (c) Providing necessary water, light, heating, air  
35 conditioning and sewerage facilities for school buildings, and  
36 purchasing land therefor.

37 (d) As a pledge to pay all or a portion of the debt  
38 service on debt issued by the school district under Sections  
39 37-59-1 through 37-59-45, 37-59-101 through 37-59-115, 37-7-351  
40 through 37-7-359, 37-41-89 through 37-41-99, 37-7-301, 37-7-302  
41 and 37-41-81, or debt issued by boards of supervisors for  
42 agricultural high schools pursuant to Section 37-27-65, if such  
43 pledge is accomplished pursuant to a written contract or  
44 resolution approved and spread upon the minutes of an official  
45 meeting of the district's school board or board of supervisors.  
46 The annual grant to such district in any subsequent year during  
47 the term of the resolution or contract shall not be reduced below  
48 an amount equal to the district's grant amount for the year in  
49 which the contract or resolution was adopted. The intent of this  
50 provision is to allow school districts to irrevocably pledge a  
51 certain, constant stream of revenue as security for long-term  
52 obligations issued under the Code sections enumerated in this  
53 paragraph or as otherwise allowed by law. It is the intent of the  
54 Legislature that the provisions of this paragraph shall be  
55 cumulative and supplemental to any existing funding programs or  
56 other authority conferred upon school districts or school boards.  
57 Debt of a district secured by a pledge of sales tax revenue  
58 pursuant to this paragraph shall not be subject to any debt  
59 limitation contained in the foregoing enumerated Code sections.

60 (3) The remainder of the money deposited into the Education  
61 Enhancement Fund, excluding funds deposited pursuant to Section  
62 27-103-203(1), shall be appropriated as follows:

63 (a) To the State Department of Education as follows:

64 (i) Eight and thirty-five one-hundredths percent  
65 (8.35%) to be distributed to public school districts for the  
66 funding of textbooks and other educational materials and to be

67 used by the State Department of Education for the purchase of  
68 textbooks to be loaned under Sections 37-43-1 through 37-43-59 to  
69 approved nonpublic schools, as described under Section 37-43-1.  
70 The amount of funds under this item to be used by the department  
71 for purchasing textbooks to loan to approved nonpublic schools  
72 shall be in the proportion that the average daily attendance of  
73 the nonpublic schools that are loaned textbooks by the state bears  
74 to the average daily attendance of all school districts in the  
75 state. The funds distributed to the school districts under this  
76 item shall be in the proportion that the average daily attendance  
77 of each school district bears to the average daily attendance of  
78 all school districts within the state and shall be used to assist  
79 in the funding of textbooks and other educational materials, to  
80 include not more than Two Million Dollars (\$2,000,000.00) each  
81 year for technology enhancement projects for elementary and  
82 secondary education programs;

83 (ii) Seven and ninety-seven one-hundredths percent  
84 (7.97%) to assist the funding of transportation operations and  
85 maintenance pursuant to Section 37-19-23;

86 (iii) Eight and twenty-six one-hundredths percent  
87 (8.26%) to assist the funding of the Uniform Millage Assistance  
88 Grant Program pursuant to Section 37-22-1; and

89 (iv) Nine and sixty-one one-hundredths percent  
90 (9.61%) for classroom supplies, instructional materials and  
91 equipment, including computers and computer software, to be  
92 distributed to all school districts in the proportion that the  
93 average daily attendance of each school district bears to the  
94 average daily attendance of all school districts within the state.  
95 Such funds shall not be expended for administrative purposes.  
96 Local school districts shall allocate classroom supply funds  
97 equally among all classroom teachers in the school district. For  
98 purposes of this subparagraph, "teacher" shall mean any employee  
99 of the school board of a school district who is required by law to  
100 obtain a teacher's license from the State Board of Education and

101 who is assigned to an instructional area of work as defined by the  
102 State Department of Education, but shall not include a federally  
103 funded teacher. Two (2) or more teachers may agree to pool their  
104 classroom supply funds for the benefit of a school within the  
105 district pursuant to the development of a spending plan that  
106 supports the overall goals of the school which includes the type,  
107 quantity and quality of such supplies, instructional materials,  
108 equipment, computers or computer software. This plan shall be  
109 submitted, in writing, to the school principal for approval.  
110 Classroom supply funds allocated under this subparagraph shall  
111 supplement, not replace, other local and state funds available for  
112 the same purposes. School districts need not fully expend the  
113 funds received under this subparagraph in the year in which they  
114 are received, but such funds may be carried forward for  
115 expenditure in any succeeding school year. The State Board of  
116 Education shall develop and promulgate rules and regulations for  
117 the administration of this subparagraph consistent with the above  
118 criteria, with particular emphasis on allowing the individual  
119 teachers to expend funds as they deem appropriate, with minimum  
120 input from school principals. It is the intent of the Legislature  
121 that there be strict adherence to the rules and regulations  
122 promulgated by the State Board of Education. Any person who  
123 attempts in any way to deny a teacher the full amount of funds to  
124 which the teacher is entitled or who does not comply with the  
125 rules and regulations promulgated by the State Board of Education  
126 shall be subject to a fine of One Thousand Dollars (\$1,000.00).  
127 If the person is a licensed school employee, the license of that  
128 person shall be suspended for a period of one (1) calendar year.  
129 The State Board of Education shall establish reporting,  
130 investigating and due process procedures for alleged violations of  
131 this subparagraph;

132 (b) Twenty-two and nine one-hundredths percent (22.09%)  
133 to the Board of Trustees of State Institutions of Higher Learning  
134 for the purpose of supporting institutions of higher learning; and

135           (c) Fourteen and forty-one one-hundredths percent  
136 (14.41%) to the State Board for Community and Junior Colleges for  
137 the purpose of providing support to community and junior colleges.

138           (4) The amount remaining in the Education Enhancement Fund  
139 after funds are distributed as provided in subsections (2) and (3)  
140 of this section, excluding funds deposited pursuant to Section  
141 27-103-203(1), shall be disbursed as follows:

142           (a) Twenty-five Million Dollars (\$25,000,000.00) shall  
143 be deposited into the Working Cash-Stabilization Reserve Fund  
144 created pursuant to Section 27-103-203(1), until the balance in  
145 such fund reaches the maximum balance of seven and one-half  
146 percent (7-1/2%) of the General Fund appropriations in the  
147 appropriate fiscal year. After the maximum balance in the Working  
148 Cash-Stabilization Reserve Fund is reached, such money shall  
149 remain in the Education Enhancement Fund to be appropriated in the  
150 manner provided for in paragraph (b) of this section.

151           (b) The remainder shall be appropriated for other  
152 educational needs.

153           (5) None of the funds appropriated pursuant to subsection  
154 (3)(a) of this section shall be used to reduce the state's general  
155 fund appropriation for the categories listed in an amount below  
156 the following amounts:

157           (a) For subsection (3)(a)(i) of this section, Six  
158 Million Three Hundred Thirty Thousand Nine Hundred Twenty Dollars  
159 (\$6,330,920.00);

160           (b) For subsection (3)(a)(ii) of this section  
161 Thirty-six Million Seven Hundred Thousand Dollars  
162 (\$36,700,000.00);

163           (c) For subsection (3)(a)(iii) of this section,  
164 Twenty-one Million Four Hundred Thousand Dollars (\$21,400,000.00);  
165 and

166           (d) For the aggregate of minimum program allotments  
167 provided for in Chapter 19, Title 37, Mississippi Code of 1972, as  
168 amended, excluding those funds for transportation as provided for

169 in subsection (5)(b) herein.

170 (6) At the end of a fiscal year such amounts as required by  
171 Section 27-103-203(1) to be transferred to the Education  
172 Enhancement Fund shall be deposited into said Education  
173 Enhancement Fund and shall be kept separate from other monies in  
174 the fund by the State Treasurer. Beginning with the 1994 fiscal  
175 year the monies in such special fund deposited pursuant to said  
176 Section 27-103-203(1) shall be subject to appropriation by the  
177 Legislature in the following manner: (a) fifty percent (50%) to  
178 support public education, including but not limited to, Grades K  
179 through 12, Mississippi Educational Television and/or the  
180 Mississippi Library Commission; (b) twenty-five percent (25%) to  
181 support institutions of higher learning; and (c) twenty-five  
182 percent (25%) to support the junior or community colleges. Any  
183 amount of such monies transferred into said separate fund pursuant  
184 to Section 27-103-203(1) which are not appropriated by the  
185 Legislature shall not lapse but shall carry over and be subject to  
186 appropriation by the Legislature in the succeeding fiscal year in  
187 the same manner provided in this subsection \* \* \*. The interest  
188 earned on the investment of such monies transferred pursuant to  
189 Section 27-103-203(1) shall be paid into the separate fund within  
190 the Education Enhancement Fund.

191 **[From and after July 1, 2002, this section reads as follows:]**

192 37-61-33. (1) There is \* \* \* created within the State  
193 Treasury a special fund to be designated the "Education  
194 Enhancement Fund" into which shall be deposited all the revenues  
195 collected pursuant to Sections 27-65-75(8), 27-67-31(b) and  
196 27-103-203(1).

197 (2) Of the amount deposited into the Education Enhancement  
198 Fund, excluding revenues deposited pursuant to Section  
199 27-103-203(1), Sixteen Million Dollars (\$16,000,000.00) shall be  
200 appropriated each fiscal year to the State Department of Education  
201 to be distributed to all school districts. Such money shall be  
202 distributed to all school districts in the proportion that the

203 average daily attendance of each school district bears to the  
204 average daily attendance of all school districts within the state  
205 for the following purposes:

206 (a) Purchasing, erecting, repairing, equipping,  
207 remodeling and enlarging school buildings and related facilities,  
208 including gymnasiums, auditoriums, lunchrooms, vocational training  
209 buildings, libraries, teachers' homes, school barns,  
210 transportation vehicles (which shall include new and used  
211 transportation vehicles) and garages for transportation vehicles,  
212 and purchasing land therefor.

213 (b) Establishing and equipping school athletic fields  
214 and necessary facilities connected therewith, and purchasing land  
215 therefor.

216 (c) Providing necessary water, light, heating, air  
217 conditioning and sewerage facilities for school buildings, and  
218 purchasing land therefor.

219 (d) As a pledge to pay all or a portion of the debt  
220 service on debt issued by the school district under Sections  
221 37-59-1 through 37-59-45, 37-59-101 through 37-59-115, 37-7-351  
222 through 37-7-359, 37-41-89 through 37-41-99, 37-7-301, 37-7-302  
223 and 37-41-81, or debt issued by boards of supervisors for  
224 agricultural high schools pursuant to Section 37-27-65, if such  
225 pledge is accomplished pursuant to a written contract or  
226 resolution approved and spread upon the minutes of an official  
227 meeting of the district's school board or board of supervisors.  
228 The annual grant to such district in any subsequent year during  
229 the term of the resolution or contract shall not be reduced below  
230 an amount equal to the district's grant amount for the year in  
231 which the contract or resolution was adopted. The intent of this  
232 provision is to allow school districts to irrevocably pledge a  
233 certain, constant stream of revenue as security for long-term  
234 obligations issued under the Code sections enumerated in this  
235 paragraph or as otherwise allowed by law. It is the intent of the  
236 Legislature that the provisions of this paragraph shall be

237 cumulative and supplemental to any existing funding programs or  
238 other authority conferred upon school districts or school boards.  
239 Debt of a district secured by a pledge of sales tax revenue  
240 pursuant to this paragraph shall not be subject to any debt  
241 limitation contained in the foregoing enumerated Code sections.

242 (3) The remainder of the money deposited into the Education  
243 Enhancement Fund, excluding funds deposited pursuant to Section  
244 27-103-203(1), shall be appropriated as follows:

245 (a) To the State Department of Education as follows:

246 (i) Sixteen and sixty-one one-hundredths percent  
247 (16.61%) to the cost of the adequate education program determined  
248 under Section 37-151-7;

249 (ii) Seven and ninety-seven one-hundredths percent  
250 (7.97%) to assist the funding of transportation operations and  
251 maintenance pursuant to Section 37-19-23; and

252 (iii) Nine and sixty-one one-hundredths percent  
253 (9.61%) for classroom supplies, instructional materials and  
254 equipment, including computers and computer software, to be  
255 distributed to all school districts in the proportion that the  
256 average daily attendance of each school district bears to the  
257 average daily attendance of all school districts within the state.

258 Such funds shall not be expended for administrative purposes.

259 Local school districts shall allocate classroom supply funds  
260 equally among all classroom teachers in the school district. For  
261 purposes of this subparagraph, "teacher" shall mean any employee  
262 of the school board of a school district who is required by law to  
263 obtain a teacher's license from the State Board of Education and  
264 who is assigned to an instructional area of work as defined by the  
265 State Department of Education, but shall not include a federally  
266 funded teacher. Two (2) or more teachers may agree to pool their  
267 classroom supply funds for the benefit of a school within the  
268 district pursuant to the development of a spending plan that  
269 supports the overall goals of the school which includes the type,  
270 quantity and quality of such supplies, instructional materials,

271 equipment, computers or computer software. This plan shall be  
272 submitted, in writing, to the school principal for approval.  
273 Classroom supply funds allocated under this subparagraph shall  
274 supplement, not replace, other local and state funds available for  
275 the same purposes. School districts need not fully expend the  
276 funds received under this subparagraph in the year in which they  
277 are received, but such funds may be carried forward for  
278 expenditure in any succeeding school year. It is the intent of  
279 the Legislature that there be strict adherence to the rules and  
280 regulations promulgated by the State Board of Education. Any  
281 person who attempts in any way to deny a teacher the full amount  
282 of funds to which the teacher is entitled or who does not comply  
283 with the rules and regulations promulgated by the State Board of  
284 Education shall be subject to a fine of One Thousand Dollars  
285 (\$1,000.00). If the person is a licensed school employee, the  
286 license of that person shall be suspended for a period of one (1)  
287 calendar year. The State Board of Education shall establish  
288 reporting, investigating and due process procedures for alleged  
289 violations of this subparagraph.

290 (b) Twenty-two and nine one-hundredths percent (22.09%)  
291 to the Board of Trustees of State Institutions of Higher Learning  
292 for the purpose of supporting institutions of higher learning; and

293 (c) Fourteen and forty-one one-hundredths percent  
294 (14.41%) to the State Board for Community and Junior Colleges for  
295 the purpose of providing support to community and junior colleges.

296 (4) The amount remaining in the Education Enhancement Fund  
297 after funds are distributed as provided in subsections (2) and (3)  
298 of this section, excluding funds deposited pursuant to Section  
299 27-103-203(1), shall be disbursed as follows:

300 (a) Twenty-five Million Dollars (\$25,000,000.00) shall  
301 be deposited into the Working Cash-Stabilization Reserve Fund  
302 created pursuant to Section 27-103-203(1), until the balance in  
303 such fund reaches the maximum balance of seven and one-half  
304 percent (7-1/2%) of the General Fund appropriations in the

305 appropriate fiscal year. After the maximum balance in the Working  
306 Cash-Stabilization Reserve Fund is reached, such money shall  
307 remain in the Education Enhancement Fund to be appropriated in the  
308 manner provided for in paragraph (b) of this section.

309 (b) The remainder shall be appropriated for other  
310 educational needs.

311 (5) None of the funds appropriated pursuant to subsection  
312 (3)(a) of this section shall be used to reduce the state's general  
313 fund appropriation for the categories listed in an amount below  
314 the following amounts:

315 (a) For subsection (3)(a)(ii) of this section  
316 Thirty-six Million Seven Hundred Thousand Dollars  
317 (\$36,700,000.00);

318 (b) For the aggregate of minimum program allotments in  
319 the 1997 fiscal year, formerly provided for in Chapter 19, Title  
320 37, Mississippi Code of 1972, as amended, excluding those funds  
321 for transportation as provided for in subsection (5)(a) herein.

322 (6) At the end of a fiscal year such amounts as required by  
323 Section 27-103-203(1) to be transferred to the Education  
324 Enhancement Fund shall be deposited into said Education  
325 Enhancement Fund and shall be kept separate from other monies in  
326 the fund by the State Treasurer. Beginning with the 1994 fiscal  
327 year the monies in such special fund deposited pursuant to \* \* \*  
328 Section 27-103-203(1) shall be subject to appropriation by the  
329 Legislature in the following manner: (a) fifty percent (50%) to  
330 support public education, including but not limited to, Grades K  
331 through 12, Mississippi Educational Television and/or the  
332 Mississippi Library Commission; (b) twenty-five percent (25%) to  
333 support institutions of higher learning; and (c) twenty-five  
334 percent (25%) to support the junior or community colleges. Any  
335 amount of such monies transferred into the separate fund pursuant  
336 to Section 27-103-203(1) which are not appropriated by the  
337 Legislature shall not lapse but shall carry over and be subject to  
338 appropriation by the Legislature in the succeeding fiscal year in

339 the same manner provided in this subsection \* \* \*. The interest  
340 earned on the investment of such monies transferred pursuant to  
341 Section 27-103-203(1) shall be paid into the separate fund within  
342 the Education Enhancement Fund.

343 SECTION 2. This act shall take effect and be in force from  
344 and after July 1, 1999.